

**JOINT MEETING
HUMAN RESOURCES/INSURANCE
&
SAFETY REVIEW BOARD**

September 28, 2001

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Sysyn, Shea, O'Neil, School Committee Member Paradis, Phil Herbert, Ethan Howard, Mike Rockwell, Roger Sevigny, Bruce Thomas, Sue Erkkila, Kevin O'Neil, Harry Ntapalis, Red Robidas, and Therese DesRosiers

Absent: Aldermen Vaillancourt and Clancy, Robert Dufresne, Cecilia Loiselle

Messrs: F. Thomas, H. Ntapalis, R. Sevigny

Chairman Lopez addressed Item 3 of the agenda:

Discussion relative to Containerized Trash Program.

Mr. Frank Thomas stated I am here today to hopefully obtain your support on two issues involving refuse collection for two, what I feel, are very good reasons. We did prepare a little report and hopefully you have a copy. There is a copy attached to your agenda. If you don't have one, I have some additional copies. I will be referring to it as I go along. The first issue involves the proliferation of large trash containers. Back about 30 or 35 years ago some of you may remember that we used to collect refuse out of 55 gallon cut off drums in open trucks. We, at that time, had a lot more people in our refuse division than we do now. Back at that time period we started experiencing injuries because of these containers and as a result the Highway Department developed some solid waste regulations. In those regulations, we defined the size of a container and the size of container we defined as a maximum of 33 gallons and that it shouldn't weigh any more than 75 pounds. Again, what we were trying to do at that time was reduce the weight and size of these containers so that we could minimize injuries and quite frankly provide for a better and more cost effective refuse collection service. Now we are seeing containers of quite frankly up to 60 gallons in capacity. In the report, we do show some pictures of these various containers but what I wanted to point out is that this

is our normal size container which is a 33 gallon size. These are some of the containers that are being sold now at Home Depot and some of the other stores in the City. They are nice. They are a large capacity. They have wheels on them and quite frankly the reason they have wheels on them is because of the potential weight in them. These are the kind of containers that we have been dealing with lately. We quite frankly have been ignoring our own regulations and trying to provide a service without really addressing this issue. Over the last few years it has become more and more of a problem because if you go down the street during collection day you will see that almost every other residence now has a container larger than our own standard. We tried to combat this in the past by placing stickers on the containers saying that they are too large and too heavy. We have even attempted to go into stores and retailers that sell these type of containers and place information notices that these containers do not conform to our regulations. The problem with putting out these notices has been that they get lost, they get removed, and the stores really aren't paying that much attention to them so people continue to buy them. As a result of our continuing to collect these containers or empty these containers, we see an increase in accidents. Anything from a strained back to sprained arms, etc. in picking these things up. That has resulted in increased sick time, lost labor hours and a sizable increase in worker's compensation costs. We now propose to address this issue head on. We would like to try to implement our own regulations that are already in effect and we want to do this, as I mentioned, over a six-month period. In the report we have some revised regulations and we also have an implementation schedule and if you note on the implementation schedule we propose to get out notices in the newspaper, on local cable television stations, and through direct mailings with water and sewer bills regarding what is proper and what is not. We want to do this over a six month period to educate the public why we are implementing this because quite frankly there is going to be a lot of opposition. When we start refusing to collect out of some of these containers obviously the first people who are going to get the call are you, the elected officials in the City. So we want you to be aware of why we are doing it and the need. The implementation schedule, as you can see, shows that we are going to do a lot of publicity and passing out of information over a four-month period. In the four month period after that, we will still continue to collect but we will start stickering more, etc. until we reach a date and we stop collecting the trash out of these containers. The second issue that we have that we want to address are the piles of trash that you sometimes see out along the street. Tenants move out of income property and all of the sudden you see a mountain of trash along the side of the street. Again, in the report there are some pictures of some of these areas. Packaging guidelines aren't followed. Basically when people move out we see anything from furniture to white goods to just bags and piles of trash. We have had some instances where we have had a full crew, a three man crew and a refuse truck spending over three hours picking up a pile at one stop filling up a complete packer. In my estimation, that is not a service...that goes

way beyond the service that typically a municipality should be providing for taxpayers in the City. In addition, it is not fair to the other taxpayers. Normally this is income property that we are dealing with. By us spending that type of time and spending that type of money to dispose of this material, other people are paying for it. Other taxpayers in the City of Manchester are paying the burden for us to address these issues. In addition, people put trash out when it isn't trash day. I have had experiences where somebody moves out on a Friday afternoon and we will get a call from the Mayor's office or from an Aldermen that this pile is out there at 3:30 PM. My people have gone home, however, I can understand why abutters don't want to see a pile of refuse on the street all weekend and what happens is we bring in a crew on Saturday at time and a half to remove it. We propose to address that by revisions and regulations that are going to limit the amount of trash that can be put out at any one time to twice the volume of containers at that location. So, if it is an apartment complex and they have four barrels there, say it is a two family, then we are saying well we will pick up a volume twice what would be in those containers. But we have other collections that will not really impact this type of move out that seriously if followed correctly. We still have what we call a junk truck that goes around and picks up white goods. You get a sticker from us and you make an arrangement and we come on a scheduled day and we pick up white goods. Also, we pick up bulky items the same way. If there is a lot of furniture or whatnot, if you call in the junk truck again schedules a day to pick up this material and then again trash on normal trash day. So if somebody does move out, if they do it properly and call for the white goods and call for the bulky items truck and put out their trash in conformance with these revised regulations, most of the burden will be taken care of or if it is done over a couple of weeks. Back 20 or 25 years ago if you can remember quite frankly there was a little side business in town. People went around with pick-up trucks and whatnot charging to pick up these large generators of trash and bring them up to the landfill, but when the landfill closed that side operation went away and now we are seeing the stuff piled out in the street. So, it is not fair, number one to the taxpayers and again it leads to a lot of injuries. When you have a mountain of trash out there and you are continuing to reach and something is stuck under something else, again, we are opening our employees up to injuries or accidents. So, what I am asking for is your support in allowing us to move forward with implementing our plan to go back and enforce our regulations regarding the proper size containers and also to support our proposal on how to address these large piles of trash. We do see that there is a need in some locations for large containers. I mean there is a lot of interest out there. What we are proposing to assist people who need that type of capacity is to promote the use of totters. Over to the right is a 95-gallon totter. Those are presently being used in the downtown area for trash. There is also a 60-gallon container. What we are going to do is propose to the public if you need volume we will set up some kind of method or means where you will be able to buy these large totter containers that

are approved by our department. I, in turn, will spend \$50,000 out of my operating budget to retrofit the rest of my fleet so that they can be dumped with automatic dumpers. These large totters are set-up to be dumped automatically. The automatic dumper on the back of our truck hooks in down here, tips them up and empties them into the hopper or truck and compacts it. The beauty of these totters is that they come with a cover that doesn't come off and they are large capacity. Like I said this is a 95-gallon totter. There are also 60 gallon ones and they are automatic dumpers so all our employees have to do is wheel this over and hook them on to the automatic dumper and they get dumped. We are going to promote private parties into buying these type of containers. We haven't figured out a mechanism right now on doing that. For the downtown area, we have actually been buying them at wholesale. We put them together and if somebody from the downtown area wants to buy one we deliver them and then we bill the party downtown for them. If we promote this Citywide I am not sure if we are going to want to be in the business of selling these things City wide. We may make some kind of arrangement with Home Depot or some of the other large retailers to carry them. In an ideal world we would like to see these containers take off throughout the City realizing that not every homeowner needs a container of that kind of capacity. We are still going to be picking up plastic bags and obviously we are still going to be picking up the small 33-gallon containers. This is an alternative. If there is a multi-family that needs that kind of capacity I think those totters are a good investment. With that in mind, I will be glad to try to answer any questions. What I am hoping here is that I obtain the support of the HR Committee and the City's Safety Review Board for these proposals so that we can move forward and recommend to the Board of Mayor and Aldermen that is be supported.

Chairman Lopez asked about enforcement. The fine for the garbage that is left out there by the tenant, how are we going to control that?

Mr. Thomas answered we are also proceeding on another front, which I really didn't mention. We are promoting the use of totters in the downtown area. We have gone to a seven-day collection schedule for the downtown. The totters have been purchased voluntarily.

Chairman Lopez replied I understand that. What I am referring to is I own a three-tenant apartment and I throw all of my garbage out there. Are we going to create an ordinance whereby if you have to send three crews over there to pick all of that garbage up the owner of that building is going to have to pay for it or are we going to create an ordinance whereby everything will be inside the barrel and if we find something like this we will clean it up. How are we going to enforce it?

Mr. Thomas responded we just had an ordinance passed, which gives the Highway Department citation power so for the first time we do have the ability to fine somebody. In addition, the fines have increased or are in the process of increasing. That will help us. We will probably have to develop some additional ordinances regarding defining our...our jurisdiction right now regarding trash is when it can be placed out on the street and for how long it can be placed out on the street. As far as the amount, as I mentioned, that we are going to try to minimize, we are going to have to have an ordinance that addresses that. I am proposing a volume twice the amount of containers. Now that may change somewhere along the line in all of these presentations. If it doesn't, then that will be the guideline and we will be able to draft some kind of ordinance that we will then be able to give some kind of fining authority to. Also, as you mentioned if a property owner doesn't conform and we have to go over there after the fact and pick up a sizeable amount of trash we should be able to bill for that.

Chairman Lopez stated if I throw all of my garage out there and I am the owner and people move out of the apartment, that is what happened here right, and you send a crew over there and it takes three hours, are you saying that you can give the owner a citation and get your money for the whole thing or what is it. I don't understand.

Mr. Thomas replied right now we don't have that power. What we are proposing is to develop what is the maximum amount that you can put out. We also already had defined an ordinance for when you can place it out and how it should be placed out but we are going to have to have an ordinance that says if you violate these regulations there is going to be this procedure, which could be a fine or the cost of removing it to be charged to the homeowner.

Alderman Shea stated I am all in favor of everything but how do you implement the fines because we know that the bad guys are still going to be the bad guys. That is not going to change because we are proposing different things. Right now it is kind of a slap on the wrist. Somebody receives a citation and it is like \$25 and they let it go to \$50 and we are sending letters and spending more money on postage now. I say it should be \$500 or \$1,000. Hit these guys who own property who are absentee owners, hit them hard and hit them so it makes sense to bring them to court and they have to pay the fine. The big thing is to get these people and stick them with a fine.

Mr. Thomas replied we agree with you totally but again right now we are powerless because the only enforcement we have right now is to refuse to pick it up. Obviously that doesn't affect them at all.

Alderman Shea responded right because the property owner could live in Nashua or Goffstown or at Rye Beach and he doesn't care. It is the neighbors next door who are smelling all of the garbage. You have my support.

Mr. Thomas stated we realize there has to be fining and ordinances and we propose to do that.

Alderman Sysyn asked aren't you working on something raising the fines.

Mr. Thomas answered the fines are in the process of being raised if they are not already. I think they have already been presented to the Board on a couple of different occasions and they will go hand in hand with our enforcement authority. We are moving in that direction. We don't have, and I think this is what Alderman Lopez was alluding to, we don't have an ordinance yet that defines how we are going to treat these piles of trash when the tenants move out. The reason we haven't proceeded too far on that yet is we have thrown out the concept of a volume of twice the containers that you have. That is what I would like to see but I am looking for input from the Board, the Safety Committee and the public before we lock into that. Again, I don't want to do anything that is going to restrict and pose a hardship on the normal type of household in the City. I feel that twice the volume of barrels is reasonable and we are going to be a little flexible on it but we can't be too much. This is kind of like we are throwing out a proposal and looking for feedback. If everybody is in agreement that the volume of twice the amount of containers is reasonable, that is how we will draft the ordinance and then the fining mechanism or the reimbursement mechanism will be built in.

Alderman O'Neil stated first of all I want to applaud the Highway Department and our Risk Management group for their work. I know this all started with workman's compensation and they took a look at the entire situation with garbage so I want to applaud both groups for that. Frank, the enforcement of this...I am guessing that somebody like Bobby Nevue is going to have a citation book in his truck but this is a big City to cover and I know that we have talked in the past about other agencies helping out. If a health inspector happened to go to a particular building and viewed a situation like this, they may be able to write a citation or the building or housing code people or even the fire or police. If you get a call on Friday night at 6 PM, other than dispatchers there is probably nobody from the Highway Department on duty and you have to wait until Monday morning or could a police officer cite them on a Friday night or Saturday at noon time or something.

Mr. Thomas replied we will look into that. Over the last few years what we have done is try to coordinate the efforts between the Building Department, Housing Code, Health Department, and Highway Department so that if there is a violation

whether it is on the property or out in the street or inside a dwelling, we all get notified if it is a refuse type issue. If we have a problem with trash being out in the street, we notify the Housing Code and we notify Health and there is a coordinated effort to go after the property owner to correct the issue. I foresee, as you are suggesting, that same type of cooperation be extended to some of the other areas you were talking about.

Alderman O'Neil responded right like many times a housing code inspector is out doing an inspection and if they witness something by the time they get a hold of somebody in the Highway Department...there is no reason they can't write the citation or if it is a weekend and we need to have a police officer go by and write it or the fire department if they happen to be doing an inspection so that the burden isn't put on just the Highway Department to enforce this when we have a lot of other eyes and ears out in the City.

Mr. Thomas stated I agree with you and in addition we will have more than one person at the department who will have that ability. We have other superintendents that are on the road.

Alderman O'Neil stated my interest would be seeing if we can make this as broad as possible with regards to who can enforce it.

Mr. Thomas replied the problem is that you really have to track down the homeowner or the property owner. It is not like writing a parking ticket and leaving it on the windshield. Writing a citation and putting it on the pile of trash is not going to do it.

Alderman O'Neil stated but we have had cases and I know because you have shown me pictures, this isn't limited to just tenement buildings. We have had this at single family homes and in nice sections of the City.

Mr. Thomas replied right. Again, people may decide to clean out their basement and it all gets put out there on collection day. Again, what we want to do is try to educate the public. We do have different methods of collection. We have white goods collection, we have bulky item collection and we have trash collection. Quite frankly, a lot of the stuff that you see in these pictures with the piles of trash, if they were bundled or packaged properly in accordance to our regulations first of all the pile wouldn't be as big and it would be a lot easier for us to collect it. When you get people moving out or people cleaning their cellar and just throwing the stuff in a pile along the curb, that is what we have to try to alleviate.

Alderman O'Neil asked do you happen to know what your workman's compensation costs are. I know that we have probably heard it during budget time

but it was significant and it is significant in the Highway Department in the scavenger group, correct.

Mr. Ntapalis answered as Frank had mentioned early on and I know the Board of Aldermen has taken a very aggressive stance in trying to reduce the cost, we have been taking a sharp look at all of the divisions as finite as we can and the refuse division certainly has been producing, in the last several years, probably on average about \$100,000 in claims. Frank had mentioned retrofitting trucks at about \$50,000. Within the first year that would pretty much be a wash. The long-term impact on direct and indirect costs are that some of the individuals who have worked for the refuse division over a period of time have had chronic back problems that end up later on in life with either discectomies or laminectomies or even worse fusions. We see that they are the ones who end up going on the disabled list and retiring many times at a very young age and those lump sums and settlements for permanency can cost the City of Manchester substantial money. We have been looking in the last three years at about \$300,000.

Alderman O'Neil asked and that average of \$100,000 is specifically the refuse division of the Highway Department.

Mr. Ntapalis answered yes and it entails just under 50 claims during the course of a year.

Alderman O'Neil asked 50 claims for this one division.

Mr. Ntapalis answered to be exact 47. That is substantial. That is a lot of claims.

Alderman Shea stated mine is a different subject entirely. As the Committee examines this, there has to be a little bit of thought given to the consistency between the recycling program and the trash program because people do put out containers for their recycled lawn stuff and so forth. That is just a thought that there has to be a distinction made. I am not sure whether their requirements are going to be the same as yours but that is something that you should consider.

Mr. Thomas replied right now Waste Management does not have a limit that I am aware of on the size of containers so part of our suggestion would be we don't need to throw these large containers away. You could use them for your yard waste, at least right now. We continue to work with Waste Management to try to minimize the problems that they have had in the past. They have experienced rapid turnover in help. When they have that happen and they have a new driver come into an area who doesn't know the route recyclables don't get collected on time. Yard waste is a major problem because there are peaks and valleys. As you know spring and fall are peak times and summer is the valley. When we get into a

peak season quite frankly Waste Management has a tough time catching up because it is really tough to staff those peaks and valleys and what they have to do is move people around. That is not our problem though.

Alderman Shea responded what I am saying is that a distinction has to be made because people today are easily confused. Maybe I am one of those people who are easily confused and I think there has to be a consistent policy or a difference cited between what your department is going to implement and what the recycling company is going to do so people know the difference.

Chairman Lopez stated let me just follow-up on what Alderman Shea said and I don't want to get too involved with the recycling but I have had a lot of phone calls and conversations regarding Waste Management not picking up recycling and, therefore, people like myself end up throwing it in the trash. That is a whole area that should be addressed and maybe we should get some more publicity out on it. It is an area where a lot of recycling is going into the trash like plastic and cardboard because they don't pick up. If you keep it another week eventually you have two or three bags of the stuff and finally you say let the Highway Department take care of it this week. That is what happens. Would the Chairman of the Safety Review Board like to say a few words?

Mr. Roger Sevigny stated I have been with the Safety Review Board for quite some time and although we have seen, through a lot of the efforts that the City has implemented with managed care and all those sorts of things, the claims go down and the cost of claims go down we continue to see a high rate of incidents in the Highway Department, specifically with refuse collection. We have investigated the cause of these. We have looked at why they are happening and we very highly endorse what Frank and the Highway Department are proposing to do. It is a win-win situation. First of all, we feel that it is going to impact a substantial reduction in claims and secondly from an other than safety standpoint it is going to help get the City cleaned up.

Mr. Ntapalis stated as Frank and Roger both said in looking at these particular areas in Highway, particularly this division, some of the concerns that we had are the back injuries. Those are the most costly. We have also obviously in the course of a year been sensitive to the fact that a needle stick could be very costly not knowing the kind of needle that the fellows are handling directly and certain kind of things that aren't in proper trash receptacles. Then there is that whole myriad of slipping and tripping and other associated issues. The receptacle program change with the lifts being retrofitted would eliminate, we feel, a lot of those repetitive injuries that could occur.

Chairman Lopez stated one quick comment that I would make is Frank when you start the program and I am sure the Committee sanctions what you are going to do but when you start the program I would probably take Exhibit 4 and blow it up or have Real Pinard or an MCTV guy go around and get some more pictures so that the public is well aware and homeowners understand what we are trying to accomplish. I also agree with Alderman Shea who said you should make the fine heavy when you develop the ordinance. The ordinance should be done as soon as possible so that as you go through your public relations campaign we have something hard and fast.

On motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to support the Containerized Trash Program as outlined by Frank Thomas.

There being no further business, on motion of Alderman O'Neil, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee